

EPA REGION 8 ANNUAL REVIEW COVERSHEET

FISCAL YEAR: FY20	TRIBE: <i>MHA Nation</i>	EPA GRANT PROGRAMS	<input checked="" type="checkbox"/> GAP <input checked="" type="checkbox"/> BROWNFIELDS <input type="checkbox"/> CAA 103 <input checked="" type="checkbox"/> CAA 105 <input checked="" type="checkbox"/> CWA 106 <input type="checkbox"/> CWA 319 <input checked="" type="checkbox"/> MPG <input checked="" type="checkbox"/> PESTICIDES <input type="checkbox"/> UST/LUST <input type="checkbox"/> Other:
Date Annual Review Completed: 8/25/21	Last Annual Review Date: 8/26/20		
Substantial ETEP Review Year: 2023	<input type="checkbox"/> ETEP Revision Required		
TAB TPM: Justin Bleiler			
EPA Program Review			
Program: GAP	Reviewed By: Justin Bleiler		
Program: Brownfields	Reviewed By: Greg Davis		
Program: CAA105	Reviewed By: Kyle Olson		
Program: CWA106	Reviewed By: Holly Wirick		
Program: MPG/Pesticides	Reviewed By: Blake Huff		
Program: RCRA Solid Waste and UST	Reviewed By: Alison Ruhs		
Tribal Review			
Program: All Grants	Reviewed By: Edmund Baker, Environmental Director		
Program:	Reviewed By:		
Notes for Annual Review: 1. The annual review will identify any changes in Reservation-wide Priorities for both the Tribe and EPA. 2. Included for review: a) EPA/Tribal meetings scheduled to review Tribal Priorities b) EPA/Media Program communication to review EPA priorities, provide comments on any known changes to current Tribal priorities. c) Review Facilities Inventory for any known facility additions or remove known closures. d) Review/Revise/Add/Remove EPA, Tribal, and/or mutual priorities (add comments if necessary).			

3. Review planned Substantial ETEP Review Year. If this Annual Review is the final review prior to the Substantial Review year, or if a substantial review is required due to mutual agreement based on number of revisions required, check "Substantial Review Required" box.

I. Current FY[20-24] Priorities:

	Tribal Priority	Needs Revision	Mutual Priority	EPA Priority	Needs Revision
A	Water Quality		X	Water Quality	
B	Air Quality		X	Air Quality	
C	Clean Lands		X	Clean Lands	

1. Do these priorities continue to reflect EPA's and the Tribe's highest priorities?

Tribe:

These still reflect the highest priorities of the Three Affiliated Tribes. Water Quality, Air Quality, and Oilfield contamination incidents continue to be a challenge for the MHA Nation.

EPA:

Priority A – Water Quality: Yes, water quality definitely continues to be a very high priority.

Priority B – Air Quality:

Priority C – Clean Lands:

2. What progress have EPA and/or the Tribe made toward each priority over the past year and if no activity occurred, should those continue to be included as priorities as part of this 5-year ETEP?

Tribe:

EPA and TAT have committed to a first phase which provides the acquisition of data through monitoring. This has occurred in the area of successful grant application and awards in Wetlands and in the Air context. Stream-gauge monitoring has provided an important feature in gathering data and monitoring. As well, the Wetland program has made great strides in producing an inventory. Though the Air program has had some administrative delays on the TAT side, it is anticipated that the grant will function in a similar manner. Data acquisition provides the basis for any further steps at mitigation. Additionally, Oil-field incidents and those portions that fall under RCRA an hazardous waste have been subject to a dual investigation and enforcement which ultimately creates deterrence. Offending companies have been incentivized to operate with greater safety procedures and adequate machinery.

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TAT anticipates that activity will continue within the oil-field and various levels through-out the next five years. Accordingly, the by-products and health hazards will remain a threat. The necessity of continues monitoring is now, and will continue to be a crucial component in meeting any identified environmental standards in land, air, and water contexts.

EPA:

Priority A – Water Quality: Regular surface and ground water monitoring continues to be conducted at FBIR, including ground water sampling at six wells. Surface water samples are collected at the six major tributaries of Lake Sakakawea. The Tribe anticipates expanding current surface water sampling events by adding sampling sites or increasing sampling frequency. The Tribe also plans to use EPA's Rapid Bioassessment Protocol for analysis of aquatic life and intends to conduct a fish survey.

TAT continues to update its tribal water quality standards and is working on proposed revisions with Region 8 as it collaborates with Tribal Council and TAT's Fish & Wildlife Division.

TAT continues its development of a tribal Wetlands Program Plan through collaboration with St. Mary's University of Minnesota, and has drafted a story map of TAT's wetlands, watersheds, and surface waters.

Priority B – Air Quality:

Priority C – Clean Lands:

3. Are the Tribal Priorities reflected in one or more of the workplan components? If not, do the workplans or ETEP priorities need to be revised? [open ended – no “yes” answered required]

Tribe:

With the pause in activity due to the pandemic, a stall of sorts occurred where pollutant sources are concerned. However, general activity has increased and resumed to near normal levels. The ETEP as it was drafted with targeted priorities still remains relevant up to the level of urgent.

EPA:

Priority A – Water Quality: Yes, the tribal priorities are reflected in two of the work plan components (surface water monitoring and groundwater monitoring)

Priority B – Air Quality:

Priority C – Clean Lands:

4. Are EPA and/or the Tribe following timelines and commitments made in the ETEP? If not, should commitments or timelines be revised or established?

Tribe:

Under the previous circumstances regarding the pandemic, activities have resumed and are on a reasonable pace to meet deadlines. However, there can be no accounting for unforeseen circumstances at this point. In general, no revision on deadline/s is necessary.

EPA:

Priority A – Water Quality: Not sure that a revision on the 2021 deadline to WQS development is necessary, as progress is being made by the Tribe to revise its water quality standards. Same for the Tribe’s goals to develop in 2021 its application package for CWA Section 319 TAS.

Priority B – Air Quality:

Priority C – Clean Lands:

5. Are Tribal and/or EPA staff aware of any major changes (additions/closures) in EPA-regulated facilities?

Tribe:

TAT is not aware of any major changes to EPA regulated facilities aside from the routine minor-source permitting and one recent UIC expiration.

EPA:

Priority A – Water Quality: EPA staff is not aware of any majore changes in EPA-regulated facilities.

Priority B – Air Quality:

Priority C – Clean Lands:

II. Revised/Clarified FY[20-24] Priorities:

	Tribal Priority	Mutual Priority	EPA Priority
A			
B			
C			

Note: when making revisions/changes, also look at ETEP, does the ETEP provide the high-level steps to achieve this priority]

Recommended Action Items:

[If substantive changes are required, recommend ETEP revision; For revised statement ideas look at GAP Grant Guidance Appendix re: statements]

Notes/Comments:

[Can add comments, clarification points, reasons for ETEP revision recommendations, etc.]

Commented [B11]: If you have a revision to a current priority from Table I (e.g. adding/removing a specific task within that priority), please add it to the appropriate priority in Table II (e.g. Priority A for water quality tasks).

If you are proposing a totally new priority, please add an additional row to Table II (e.g. Priority D)